

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 JAMES C. SHERROD,
4 Plaintiff

5 v.

6 BOOKER T. WASHINGTON CENTER,
7 Defendant

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: Civil Action NO. 04-208 Erie
:
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9 Deposition of WILLIAM JEFFRESS, taken before
10 and by Sondra A. Black, Notary Public in and for the
11 Commonwealth of Pennsylvania, on Wednesday, July 27,
12 2005, commencing at 9:36 a.m., at the offices of
13 Susmarski Law Office, 4030 West Lake Road, Erie,
14 Pennsylvania 16505.
15
16

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24 Reported by Sondra A. Black
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I N D E X

WILLIAM JEFFRESS

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1 W I L L I A M S . J E F F R E S S , first having
2 been duly sworn, testified as follows:

3

4

DIRECT EXAMINATION

5

BY MS. BENSON:

6

7

Q. Mr. Jeffress, for the record, would you please tell
8 us your full name and spell your last name for us, please.

9

A. William S. Jeffress, J-E-F-F-R-E-S-S.

10

Q. Where do you reside?

11

A. 4500 West 38th.

12

Q. Let me do a few things before we continue on. I
13 want to just kind of review for you -- I'm sure that Attorney
14 Martinucci has reviewed with you a deposition. I don't know
15 if you've ever participated in one before.

16

A. No.

17

Q. Let me just do a few things, and if you have any
18 questions, please speak up.

19

A. Okay.

20

Q. The deposition simply will consist of a series of
21 questions on my part and answers by you.

22

A. Okay.

23

Q. Naturally, under oath, you've just been sworn. So
24 it's really testimony as if you were in a courtroom. At the
25 conclusion of the deposition, you will be given an

1 opportunity to review the transcript, and if there are any
2 changes in substance or form to your answers, you can provide
3 us with that information, a statement reciting such changes
4 and the reason for the changes. Under the rules of Federal
5 Civil Procedure you have 30 days from the point that you
6 receive the transcript to review it, get it back. I am
7 entertaining the possibility, I don't know if I would do so,
8 to seek permission to have that shortened. But I will make
9 that decision later on.

10 If I ask you a question, please wait until I've
11 completed the question before answering. You must respond
12 verbally so that the court reporter can hear your answer. So
13 rather than shaking your head or --

14 A. Correct.

15 Q. -- just answer verbally. If you do not have a -- do
16 not hear a question, please have me repeat it. If you do not
17 understand a question, please have me restate it or rephrase
18 it. If the question is answered, I will assume that you both
19 heard the question and you understood it.

20 Now, let me ask you, and this series of questions is
21 not intended to embarrass you or to pry into your private
22 life, but just to make sure you understand what is going on
23 here today, whether or not you are on any medication that
24 could impair your ability to hear a question, are you?

25 A. No.

1 Q. Are you under any medication that would impair your
2 ability to understand a question?

3 A. No.

4 Q. Are you under any medication that would impair your
5 ability to provide answers?

6 A. No.

7 Q. Now, the questions I'm going to ask you are somewhat
8 similar to what I just asked you, but rather than talk about
9 are you under any medication, the question is whether or not
10 you have any condition that would affect your ability to hear
11 a question?

12 A. No.

13 Q. Do you have any condition that would affect your
14 ability to understand a question?

15 A. No.

16 Q. Do you have any condition that would affect your
17 ability to provide answers?

18 A. No.

19 Q. Now, sometimes witnesses, for health reasons, need
20 to break at a particular time, to take medicine or something
21 like that, do you have any such reason that would require you
22 to seek a break during the deposition? For health reasons?

23 A. No.

24 Q. Now, if you do need a break, just please let me
25 know, and I will try to accommodate you. But I would ask you

1 to keep in mind the following: One, if you make that request
2 after I have asked a question, then I will insist that you
3 provide your answer before we break; two, if you break, you
4 are not to discuss the deposition with Attorney Martinucci
5 during the break.

6 A. Is he not my attorney?

7 MR. MARTINUCCI: I object to that instruction
8 because I'm his attorney.

9 MS. BENSON: Well, my concern is to make sure that
10 you understand that you are not to be conferring
11 with regard to your answers, and your answers
12 should be honest and in accordance with what you
13 know.

14 A. I'm not sure if that's a directive or whatever,
15 but --

16 MR. MARTINUCCI: Is it a question? Are you go
17 asking him if he's going to answer truthfully?

18 MS. BENSON: No. It's a question to make sure that
19 the integrity of the deposition is protected, and,
20 therefore, if there's a break during the
21 deposition, then I would expect you not to discuss
22 the deposition at that time.

23 MR. MARTINUCCI: I'll discuss with my client what I
24 want to discuss.

25 MS. BENSON: And he will discuss whatever, and I

1 will, on the record, if you have had a discussion,
2 then I'll bring that out.

3 MR. MARTINUCCI: That's fine. But the substance of
4 the discussion isn't going to be part of the
5 record.

6 Q. Now, you were given notice of a deposition to be
7 taken on July the 8th and did not show. Can you please tell
8 me what was your schedule for July the 8th.

9 MR. MARTINUCCI: I'm going to object to that
10 question, and I'm going to respond to it. The
11 reason that the deposition did not occur on July
12 8th is because it did not fit in my schedule. It
13 was not anything to do, as far as I know, with
14 regard to Mr. Jeffress' schedule. I did not
15 inquire about his schedule on that date.

16 I had previously told you, on June 28th, Ms.
17 Benson, that I was not available for Mr. Jeffress'
18 deposition on July 8th, and I told you at that time
19 that I would see whether or not he was available on
20 July 12th. I subsequently informed you via e-mail
21 that I was available on July 12th. You told me you
22 were looking at July 8th. I responded to you that
23 that day was not good for me.

24 The last exchange that we had before you sent
25 out the notice of deposition was on July 5th, when

1 I was in New York City and you knew I was in New
2 York City. At that point in time you sent me an
3 e-mail at about 1:34 or 1:38 in the afternoon, and
4 I responded within an hour, indicating to you that,
5 no, I would not be available for a deposition on
6 July 8th. The notice came out nonetheless. The
7 deposition was scheduled for a date and a time I
8 had I told you I was not available.

9 When I returned to my office on July 7th, I saw
10 that the notice had come in. I e-mailed you
11 immediately upon receiving the notice and told you
12 that we would not be there because it was not
13 something that fit within my schedule.

14 MS. BENSON: Thank you for that.

15 Q. And let me just ask the question again,
16 Mr. Jeffress, what was your schedule on July the 8th?

17 MR. MARTINUCCI: I object to the question, and I'm
18 going to direct him not to answer.

19 MS. BENSON: And then I'm going to request that he
20 does. Your objection is noted for the record.

21 MR. MARTINUCCI: I'm directing him not to answer.

22 MS. BENSON: But your objection is noted for the
23 record.

24 MR. MARTINUCCI: That's fine, and I'm directing him
25 not to answer. So move on to your next question.

1 MS. BENSON: Your objection is noted.

2 Q. Mr. Jeffress, I'll come back to that later on. I
3 assume you have a calendar that lists your appointments. Do
4 you have a calendar where you list your appointments for your
5 business day?

6 A. Yes.

7 Q. And that calendar would reflect any activity on July
8 the 8th?

9 A. I'm not sure. I haven't looked at it in a while.

10 Q. But should it?

11 A. It may or may not. I'm not sure. I haven't looked
12 at it.

13 Q. The calendar that you maintain for business
14 purposes, do you maintain that -- that sets out your schedule
15 for that day or that week?

16 A. I don't maintain that schedule, no.

17 Q. Who maintains it?

18 A. I have -- actually, staff maintains it.

19 Q. And when you say "staff," who are you referring to?

20 A. Anybody employed by the Booker T. Washington Center
21 who schedules an appointment for me.

22 Q. Are there more than one individual who's --

23 A. Yes.

24 Q. Would you please identify those individuals.

25 A. Okay. You have Anita Smith, you have Brian

1 Bessetti.

2 Q. Excuse me. What's Ms. Smith's title at the Booker
3 T. Washington Center?

4 A. Anita Smith, she's a case manager. Brian Bessetti,
5 he's controller. Maggie Melendez, she's program assistant.
6 Shontell Heirs (phonetic), he's program coordinator. Aiella
7 Crockett (phonetic), she's a program assistant. Laveneous
8 Gambell (phonetic) is a program assistant. Did I stay Maggie
9 Melendez?

10 MR. MARTINUCCI: I think you did.

11 Q. Yes, you did.

12 A. I think that would be it.

13 Q. So all those individuals maintain your calendar?

14 A. All those individuals have access to my calendar,
15 yes.

16 Q. They have access to it?

17 A. And, therefore, if they schedule a meeting with me,
18 I ask them to see if it's available, and they maintain it,
19 yes.

20 Q. You said if they schedule a meeting with you.

21 A. In regards to other people or anything that goes on
22 with my schedule.

23 Q. Do you have a secretary?

24 A. At this time I do not, no.

25 Q. You said "at this time."

1 A. Correct.

2 Q. When did it come about that you no longer had a
3 secretary?

4 A. Actually, I've never had a secretary.

5 Q. At the Booker T. Washington Center?

6 A. Correct. We had -- actually, we had a -- what was
7 the title of her position now. I don't know if it was
8 secretarial duties may have been included in some of the
9 responsibilities, but Stacey Reynolds was -- and I can't tell
10 you off the top of my head what the -- she could have been a
11 program assistant or she could have been a program assistant
12 with secretarial responsibilities, but she was the last
13 person with secretarial responsibility.

14 Q. With secretarial responsibilities?

15 A. Correct.

16 Q. Were those responsibilities for you?

17 A. No. They were for the organization.

18 Q. For everyone who worked at the organization?

19 A. For the organization in reference to correspondence
20 or anything else, yes.

21 Q. Ms. Reynolds' office, how -- can you tell me in what
22 proximity was it to your office.

23 A. Can you say two doors down.

24 Q. Now, would she be the person, if someone wanted to
25 talk with you, that would come to you if you were not -- come

1 to her -- go to her if you were not available?

2 A. Are you talking historically, or are you talking to
3 date? I'm not sure which -- what part are you talking?

4 Q. I'm talking historically.

5 A. Historically, no.

6 Q. Who would that person be?

7 A. Any staff member who works for the Booker T.
8 Washington Center.

9 Q. Now, Ms. Reynolds is no longer with the Center?

10 A. Correct.

11 Q. When did she leave the Center?

12 A. I'd have to go back to the exact time frame. I'm
13 not sure.

14 Q. Can you give us some idea, generally, when she left?

15 A. Time has flown by, so I'm going to generally guess
16 and say it's -- I -- I can't answer the exact -- I'm just
17 going to say it's been probably less than a year ago.

18 Q. So you think she left in the year 2004?

19 A. I'd have to go back and look.

20 Q. Well, let me ask you this here. You're currently
21 executive director of the Booker T. Washington Center, right?

22 A. Correct.

23 Q. Now, when did you assume that position?

24 A. I believe, and dates are not always accurate, it was
25 January of 2002.

1 Q. January 2002. You said, "Dates are not always
2 accurate." What do you mean by that?

3 A. No. I'm saying that unless I go back and look at my
4 notes or my schedule -- I can't accurately tell you what it
5 was until I look at my notes or schedules.

6 Q. So in preparing for today's deposition you didn't go
7 back and look at your notes?

8 A. I didn't know you were going to ask me what date and
9 time. I was, you know -- but basically it was -- I believe
10 it's accurate at this time, but like I said, it's one of
11 those things where -- January 1st of 2002, I'm pretty sure.

12 Q. Is when you started there as executive director?

13 A. Correct.

14 Q. Now, is there anything that you could refer us to
15 that would give you the exact date?

16 A. Payroll records.

17 Q. Who would have those payroll records?

18 A. You could talk to the controller.

19 Q. And the controller --

20 A. At the Booker T. Washington Center.

21 Q. And that controller is?

22 A. Brian Bessetti.

23 Q. Now, prior to becoming the executive director of the
24 Booker T. Washington Center, you served on the Booker T.
25 Washington Center Board of Directors; is that correct?

1 A. Yes.

2 Q. When did you begin serving on the Booker T.
3 Washington Board of Directors?

4 A. I believe January of 2001.

5 Q. Can you tell us how you came to be on the Booker T.
6 Washington Board of Directors.

7 A. I believe Ms. Lyons had a conversation with Mr.
8 Sherrod.

9 Q. Who's Ms. Lyons?

10 A. Ms. Lyons was a board member, and said that she knew
11 a person who would be interested in serving on the board of
12 the Booker T. Washington Center, who would be a good fit.

13 Q. Do you have Ms. Lyons' first name?

14 A. Cathy Lyons.

15 Q. Is Ms. Lyons still on the board of directors?

16 A. Yes, she is.

17 Q. Where does Ms. Lyons work?

18 A. I can't tell you what her title is, but she works
19 for Family Health Council.

20 Q. Is that here in Erie, Pennsylvania?

21 A. Yes.

22 Q. Now, you said you believe that she had a
23 conversation with Mr. Sherrod, and that led to your
24 appointment on the board of directors in January of 2001; is
25 that correct?

1 A. I believe she had a conversation with Mr. Sherrod,
2 then Mr. Sherrod contacted me.

3 Q. Now, once you went on the board of directors, did
4 you serve on any committees of the board of directors?

5 A. Yes. I -- it was the management committee.

6 Q. Any other committee of the board of directors?

7 A. No.

8 Q. Did you hold any officers' positions on the board of
9 directors?

10 A. No.

11 Q. Now, when did you begin to serve on the management
12 committee?

13 A. I believe it started somewhere in May of 2001.

14 Q. In addition to yourself, in May of 2001, who else
15 served on the management committee?

16 A. Mr. Charles Faulkerson, he was on the committee.
17 Mr. Coleman -- Mr. Sean Coleman, I believe -- now, when I say
18 they served on the committee, I believe any officer could
19 have served on any committee. So, therefore, they served on
20 the committee. Ms. Claudette McAdory.

21 Q. Anyone else?

22 A. Mr. Joe Fries. And I believe that was it.

23 Q. Now, you said that Mr. Faulkerson and Mr. Coleman,
24 you believe, served on the committee. So are you sure of
25 that?

1 A. I said that any -- they were -- no, I can't say I'm
2 sure. I can just say that, you know, anybody who was on the
3 board had the ability to come in and serve on the committee.

4 Q. Let me just make sure I'm clear. Your previous
5 testimony was any officer. Now you're saying any board
6 member.

7 A. Anybody could come into a meeting and be a part of
8 the committee. Any officer automatically was a part of the
9 committee.

10 Q. And would this be set out in your Booker T.
11 Washington Center bylaws?

12 A. I'm not sure.

13 Q. Did there ever come a time when you became the
14 chairman of the management committee?

15 A. Yes.

16 Q. When did you become chairman of the management
17 committee?

18 A. I think sometime -- probably within a month --
19 probably June, sometime around there, by default because no
20 one else was there.

21 Q. No one else was there, I'm --

22 A. To take on the responsibility of the chairman of the
23 management committee.

24 Q. Were you appointed to that position or elected to
25 that position?

1 A. I'm not sure.

2 Q. Now, you believe it was in June of 2001 that you
3 became chairman. As chairman of that committee, did you --
4 let me just rephrase the question. When you became a member
5 of the management committee, what was the governing document
6 that directed the responsibilities of that committee?

7 A. I'm not sure.

8 Q. During the summer -- excuse me, did the committee
9 meet in May of 2001?

10 A. Say -- I didn't hear you.

11 Q. Did the committee meet in May of 2001?

12 A. I'm not sure.

13 Q. Did the committee meet in June of 2001?

14 A. I can probably go back and check, but I'm not sure.

15 Q. What would you check to be sure?

16 A. My -- my personal notes. Basically, when I was
17 going to the meetings, I tried to keep some personal notes
18 and some recollection of what the committee was doing.

19 Q. Where would these personal notes be located?

20 A. They could be on disk. I'm -- again, I'm not sure
21 because I recently moved, and I've changed, since that time,
22 three different computers. So it's either on a disk or on
23 one of my hard drives.

24 Q. At your residence or at the Booker T. Washington
25 Center?

1 A. This would have been my personal computer and my
2 personal disk.

3 Q. So those are located at your residence?

4 A. Yes. On my old computer. Possibly. Like I said,
5 it's either on the disk or there, and it's possible to have a
6 hard copy of some of the notes that I have taken.

7 Q. So if we took from July of 2001 to December of 2001,
8 can you recall if the committee met July, August, September,
9 October, November, December of 2001? With the management
10 committee.

11 A. I was not part of the committee at that time.

12 Q. Well, you testified that you became a member of the
13 committee in May of 2001.

14 A. I thought I testified that I became a member of the
15 committee in May of 2001.

16 Q. Right.

17 A. Okay. So right -- I'm thinking. I'm going back to
18 a different hat. May of 2001, and -- I know for a fact we
19 met in August of 2001, and at that time -- in September I
20 think I was removed off of the committee.

21 Q. So let me make sure I have your testimony
22 accurately. You became a member of the management committee
23 in May of 2001.

24 A. Correct.

25 Q. You do not recall if the committee met in May of

1 2001 or June 2001; is that correct?

2 A. There was several committee meetings. Again, if I
3 could go back to my notes and look at when they took place, I
4 would probably be -- give you a more accurate answer. I know
5 I took personal notes. And, again, I say May of 2001, which
6 is a guess of when I became part of the committee. Because I
7 know for the fact that in January and February -- I don't
8 think that I attended the first two meetings. And then --
9 January, February -- March, April, it is a possibility that I
10 could have attended a management meeting, but I don't really
11 recall at this time. Then, when you look at May, I do know
12 that by May I was on the management committee. And if there
13 was a meeting in May, which I think there was, the management
14 committee did meet -- again, I can't tell you exactly when or
15 who was there at this time, but I do know, like I said, I did
16 have some personal notes that I did take for the meetings
17 that I did attend and that I did chair.

18 Q. So let me ask you this question here. For every
19 meeting that you attended of the management committee, you
20 took personal notes?

21 A. Yes.

22 Q. Were those notes in writing or did you type them
23 into your computer, a laptop?

24 A. Those notes were typed into my iPAQ.

25 Q. So during the meeting you had your iPAQ and you

1 typed in the notes at that time?

2 A. I wrote the notes in, correct.

3 Q. And you still have those notes?

4 A. I may have copies of the notes, yes.

5 Q. Now, you testified that you were removed from the
6 management committee in September of 2001.

7 A. Yes.

8 Q. Why were you removed?

9 A. I believe I was removed from the committee because
10 we were trying to figure out what we were going to be doing
11 in the interim. And at that time I was actually still trying
12 to work out what we were going to be doing in the interim of
13 our current problems.

14 Q. Who removed you from the committee?

15 A. I guess the overall board because once I was removed
16 from the committee, I kind of took over as interim director.

17 Q. Now, did the board of directors of the Booker T.
18 Washington Center have a meeting in which a decision was made
19 to remove you from the management committee?

20 A. I'm not sure. I don't recall.

21 Q. Is there any documentation somewhere that would help
22 you answer the question I just put to you?

23 A. I'm -- I'm not sure.

24 Q. Is there a possibility that there is some
25 documentation somewhere?

1 A. There is a possibility, yes.

2 Q. Where might this documentation be?

3 A. Paperwork, old notes.

4 Q. And who might have possession of this documentation?

5 A. It may be in some of the files that we -- who might
6 have possession. As I said, it's paperwork and old notes. I
7 may have some -- I -- I know I -- again, it'll take time to
8 find the paperwork and old notes that I have.

9 Q. Why would it take time?

10 A. Because there's been a lot of transition and time
11 has passed.

12 Q. Well, you've known for some time that you were going
13 to be deposed.

14 A. And I've been working on trying make sure I can find
15 old notes, but just because you go to look for stuff doesn't
16 mean you know where you placed them.

17 Q. Now, Mr. Jeffress, I gave a first notice -- you've
18 known even before I gave you the first formal notice. But I
19 gave a notice of your deposition, one was scheduled for June
20 15, 2005.

21 A. Yes.

22 Q. Another one for July 8, 2005, and then today. So
23 you've known for some time that you were going to be deposed,
24 right?

25 A. Yes.

1 Q. Now, you say that you were removed from the
2 management committee, but you're not sure how your removal
3 came about.

4 A. It came about because I was going to be moving into
5 a position of interim. And therefore --

6 Q. Interim what?

7 A. Interim administrator to make sure that the Center
8 was moving forward.

9 Q. Would that be interim executive director?

10 A. Not at this time. It was just, as the management
11 committee pointed out, I was -- it didn't say interim
12 executive director. It was just saying, if there was any
13 problems at the Booker T. Washington Center, I would be the
14 person to be contacted.

15 Q. What was your title?

16 A. I did not have a title.

17 Q. When did you assume the responsibility of interim?

18 A. October.

19 Q. October of what year?

20 A. I believe we're still in 2002 here.

21 Q. So it was October --

22 A. Or is that 2001 -- excuse me, October of 2001.

23 Q. Do you recall when -- let me go back and rephrase
24 the question. What was the responsibilities of the
25 management committee?

1 A. The responsibilities of the management committee.
2 When I came on board, I don't think that they had a
3 definition of what the responsibilities were. I think that
4 we were in the process of working on that.

5 Q. So when you came -- are you -- let me make sure I
6 understand your answer. You said when you came on board you
7 don't think the responsibilities of the management committee
8 were defined. Are you referring to when you came on the
9 board of directors as opposed to being placed on the
10 management committee?

11 A. When I came on the board of directors, there was,
12 again, no clear indication on what it was -- I was still
13 being introduced. I was in an introductory period. Where I
14 was learning more about what responsibilities the board had,
15 and what responsibilities that the different committees would
16 be doing. They were in the process of looking at the
17 committees and seeing because I believe they weren't running
18 as functional as they would have liked. So, therefore, we
19 were in the process of planning, when I became chair, of
20 basically trying to define our role. That's the way I looked
21 at it.

22 Q. Let me ask you this here. When you became a member
23 of the board of directors in January 2001, did you receive,
24 at that time or thereafter, copies of the Booker T.
25 Washington Board of Directors' bylaws?

1 A. I believe it was inside of my orientation package.

2 Q. What else was inside of your orientation package?

3 A. A list of the board members; a history of the
4 Center; geographic boundaries, I believe, in terms of what
5 was the service area. And I think I said a history.

6 Q. Now, were bylaws included in that package?

7 A. I believe they were included in the package, yes.
8 The old bylaws, yes.

9 Q. And those were the bylaws that the board of
10 directors were functioning under when you arrived; isn't that
11 correct?

12 A. Correct.

13 Q. Did the bylaws identify the management committee as
14 being a committee of the board of directors?

15 A. I'm not sure.

16 Q. Your previous testimony is that you became a member
17 of the management committee in May of 2001.

18 A. Approximate time, yes.

19 Q. At that time did you review the responsibilities of
20 that committee?

21 A. Yes.

22 Q. And how did you go about about reviewing the
23 responsibilities of that committee?

24 A. I believe I may have looked at old notes or -- or
25 talked to people. I did look at the section of -- again, I'm

1 not sure if that section was included in the bylaws or if it
2 was just included inside of my packet. That's where I need
3 to have that clarification. I'm not sure. As you go through
4 a new orientation package, I didn't define exactly what tab I
5 was flipping through. But somewhere in the tab it did
6 describe the management committee.

7 Q. When you say "tab," was this material in a notebook?

8 A. This material was in a binder.

9 Q. And it had tabs in it dividing each section?

10 A. Correct.

11 Q. So within this binder, it's your testimony that
12 there was a description of the responsibilities of the
13 management committee?

14 A. I believe so, yes.

15 Q. Do you still have that binder?

16 A. No.

17 Q. Now, when you became chairman of the committee in
18 June of 2001, other than yourself and the possible officers,
19 it's your testimony that any officer could serve, were the
20 only other members Ms. McAdory and Mr. Fries?

21 A. I believe that we could have had Mr. Rege O'Neill.
22 I'm not sure, though.

23 Q. Is there any documentation anywhere that would help
24 you be sure as to who were the members of this committee in
25 June of 2001?

1 A. I don't think so. I do know that there -- at one
2 point in time there was a list of who was on the management
3 committee, but I'm not sure where that document would be.

4 Q. And who had this list?

5 A. I believe Mr. Charles Faulkerson had it.

6 Q. What was Mr. Faulkerson's role at that time?

7 A. A board member.

8 Q. Did he hold any officer position?

9 A. Ex-chairman.

10 Q. So in June of 2001 he was the ex-chairman of the
11 board of directors?

12 A. I believe so, yes.

13 Q. State for us the responsibilities of the management
14 committee.

15 A. It's to work with the administration to make sure
16 that the policies and procedures are being followed and see
17 if there's any other administrative responsibility that needs
18 to be improved.

19 Q. Policy and procedures with regard to all issues or
20 just personnel matters?

21 A. Management issues, administrative issues.

22 Q. Give me some examples of what you mean by
23 "management issues."

24 A. Human resources, personnel, salaries, benefits,
25 wages. That's the way I interpret it.

1 Q. Would that also involve disciplinary action against
2 employees?

3 A. That never came up, actually, but it would
4 probably -- if it came to the board, it would probably go
5 through the management committee, I guess. But I don't think
6 it was defined that way.

7 Q. Let me see if I can give you an example. If an
8 employee was disciplined in any way and wanted to question
9 that action, would the matter be referred to the management
10 committee?

11 A. Yes.

12 Q. So if someone was given a reprimand and wanted to
13 appeal to the board, the matter would be referred to the
14 management committee?

15 A. I can't accurately say that that was the procedure,
16 but that would be the procedure that I would suggest, yes.

17 Q. That would be the procedure that you would suggest?

18 A. Correct.

19 Q. If someone was suspended and wanted to challenge
20 that action, would that matter be referred to the management
21 committee?

22 A. That would be the procedure I would recommend, yes.

23 Q. You would be recommending that on the basis of what?

24 A. My past experiences.

25 Q. At the Booker T. Washington Center?

1 A. No. In life.

2 Q. If someone was fired, would that matter be referred
3 to the management committee?

4 A. If they were appealing, I would say, yes.

5 Q. And you're basing that on what now?

6 A. My personal experience and knowledge.

7 Q. Now, you said that you reviewed a description of the
8 management committee responsibilities.

9 A. Yes.

10 Q. Did that description provide for referral of
11 personnel appeals to the management committee?

12 A. I'm not sure.

13 Q. Now, you said you started serving on that committee
14 in June of '01 to you said September of '01.

15 A. No. I didn't say that. You said June of '01. I
16 said May of '01.

17 Q. I'm sorry, you became chairman -- I'm sorry, let me
18 correct it. You said you started serving on there May of
19 '01, became chairman in June of '01.

20 A. Approximately, yes.

21 Q. And was removed from the committee in September of
22 '01. Now, you've also testified that your removal was around
23 the time of Mr. Sherrod being let go; is that correct?

24 A. It was after that fact, yes.

25 Q. Now, would it help you if I told you that

1 Mr. Sherrod was let go in '02? Would it help you just in
2 terms of a time frame?

3 A. Yes. Because I -- like I said, time has gone by
4 very fast. The months and years have gone by.

5 Q. So let's take it again.

6 A. Okay.

7 Q. You went on the management committee when?

8 A. If he was let go in '02, so that means I became part
9 of the board in '02. And that means that I was part of the
10 board of May -- January of '02 to September of '02.

11 Q. So you come on the board in January of '02. Does
12 that then mean that you became a member of the management
13 committee in May of '02?

14 A. Somewhere around that time, yes.

15 Q. And chairman in June of '02 or somewhere around that
16 time?

17 A. Correct.

18 Q. And then you were removed from the management
19 committee in September of '02?

20 A. Yes. I was removed from the board somewhere at the
21 tail end -- like I said before, I took on -- and, again,
22 dates and times -- the exact dates and times are not there,
23 but I was removed from the board because of taking over
24 interim responsibilities.

25 Q. When you were removed from the board to assume these

1 interim responsibilities, was there a board meeting at which
2 this matter was discussed?

3 A. I'm not sure if there was an official board meeting.
4 I believe we -- the board itself was kind of in a meeting
5 mode because of the situation. So overall the board did make
6 the decision. But during that time I'm not sure exactly was
7 it a regularly-scheduled meeting or was it a called meeting.
8 I'm not sure.

9 Q. Let me go back to when you were first appointed to
10 the board of directors in January of '02.

11 A. Yes.

12 Q. When the board of directors met, were notices given
13 to the board of directors of meetings?

14 A. I can't tell about the overall board. I just know
15 when I received any orientation package I believe I had
16 the -- the dates were listed in the orientation package. But
17 I'm not even sure -- again, I may have even missed the first
18 meeting or two, or something like that. I just know that I
19 received my dates with my orientation packet.

20 Q. Now, were minutes kept of board of directors'
21 meetings?

22 A. If I look back on that time frame, I was just going
23 to the meetings. I do know that there were tapes being
24 recorded. So if you want to call the recordings being
25 minutes, then I do know that there was being -- each meeting

1 was recorded, yes.

2 Q. The board of directors' meetings were recorded. Who
3 was responsible for the recording of the board of directors'
4 meetings?

5 A. At that time I -- I do not know.

6 Q. So from January '02 until October of '02, you were
7 aware that the meetings were being recorded?

8 A. Each -- yes.

9 Q. So the meetings of the board of directors were
10 recorded in August of '02?

11 A. I'm not sure.

12 Q. How would you be able to find out?

13 A. Basically check to see which tapes are there.

14 Q. Who would have possession of these tapes?

15 A. At this time I know some of the historical tapes or
16 anything else -- Anita Smith may have some of the historical
17 tapes.

18 Q. "Historical tapes" --

19 A. Meaning '02. This is '05, historical meaning in the
20 past.

21 Q. Anita Smith, is it part of her responsibilities to
22 keep the minutes of board meetings?

23 A. No. When -- during that -- at that time it was not
24 part of her -- I don't know if it was or not. I couldn't
25 tell you.

1 Q. When you say "that time," what are you referring to?

2 A. I'm referring to August of the time frame that
3 you're talking about.

4 Q. Okay. Why do you think Ms. Smith would have those
5 tapes, if there are tapes in August of '02?

6 A. At that time -- Ms. Smith had probably anything that
7 was going on in the facility at that time.

8 Q. And why would she been the one to have that?

9 A. She was the most senior person on staff there. In
10 terms of seniority, meaning that time frame being there,
11 knowledge of the organization.

12 Q. Now, going back to August of '02, did the board meet
13 in August of '02?

14 A. Yes.

15 Q. How many times did the board of directors of the
16 Booker T. Washington Center meet in August of '02?

17 A. I don't recall.

18 Q. Was it more than once?

19 A. Yes.

20 Q. Now, how would we go about finding out how many
21 times the board of directors met in August of '02?

22 A. I'm not sure.

23 Q. Were you present at every meeting?

24 A. I'm not sure.

25 Q. Did you receive notice of every meeting?

1 A. I'm not sure.

2 Q. Were notices of the meetings in August of '02 sent
3 out?

4 A. I'm not sure.

5 Q. How would we be able to find out if notices of the
6 meetings of the board of directors that occurred in August of
7 '02 were sent out?

8 A. I'm not sure.

9 Q. Is there anyone at the Booker T. Washington Center
10 charged with the responsibility of maintaining the official
11 records of the board of directors?

12 A. At that time, I would not know.

13 Q. Well, you've been the director since -- well, you
14 became, in an interim capacity, in September or October of
15 '02. Who's been responsible for maintaining the official
16 records of the board of directors since you became the
17 interim?

18 A. Staff.

19 Q. What staff?

20 A. Myself and Anita Smith.

21 Q. So would you or Ms. Smith have copies of notice of
22 board of directors' meetings?

23 A. Since the time that I've been executive director,
24 yes.

25 Q. Which one? Both of you?

1 A. Since the time that I've been executive director?

2 Q. Yes.

3 A. We keep them in a book. So we both have access to
4 the book.

5 Q. You're taking that -- when you say "since the time
6 that I've been executive director," are you taking that back
7 to September of '02?

8 A. I've been executive director since January.

9 Q. January of --

10 A. Since I have my dates right now, January of '03.

11 Q. '03 you became executive director?

12 A. Yes.

13 Q. So when you were functioning in an interim capacity,
14 you did not maintain the records regarding the board of
15 directors?

16 A. I personally did not maintain them, no.

17 Q. Did Ms. Smith?

18 A. I believe we worked with -- there was no defined --
19 I don't believe there was a defined, but they were being
20 noted that we were working on them. So I can't tell you the
21 definition of who -- or define who was working on them.

22 Q. Working on what now?

23 A. You said the minutes.

24 Q. Yes.

25 A. When I was interim, I knew that they were taken care

1 of.

2 Q. You knew that they were taken care of. Were they
3 taken care of by someone under your direction?

4 A. They may have been. I'm not sure.

5 Q. You say now you maintain a notebook of the board
6 minutes.

7 A. Correct.

8 Q. Do you maintain a record of notices of board
9 meetings?

10 A. We have, but I can't tell you for sure whether or
11 not they're inside of that book. Basically they're computer
12 generated.

13 Q. And you began making sure that notices of board of
14 directors' meetings, and the minutes of those meetings were
15 maintained, beginning when you became executive director in
16 January of '03?

17 A. Correct.

18 Q. Why did you do that?

19 A. There was a need -- there was a directive that this
20 should be done.

21 Q. Who was the directive from?

22 A. The auditors.

23 Q. What auditors?

24 A. Booker T. Washington Center's auditors.

25 Q. What auditor are you referring to?

1 A. Accounting auditors.

2 Q. The accounting auditors?

3 A. Yes. Recommended.

4 Q. What are the name of those auditors?

5 A. We'd have to make a call to get the exact name. I
6 have a lot of accountants that I work with, so all the names
7 get mixed up.

8 Q. So you're saying auditors came in and recommended
9 that this be done?

10 A. Correct.

11 Q. When did the auditors come in?

12 A. I'm not sure, but I believe it could have been
13 December.

14 Q. Of what year?

15 A. '02.

16 Q. Now, prior to the auditors directing that these
17 records be maintained, notices of board of directors'
18 meetings and the minutes --

19 A. They did not direct notices. They just said
20 minutes.

21 Q. But you are maintaining both? You began maintaining
22 both?

23 A. Mainly the minutes, but again, the notices are
24 computer generated.

25 Q. And who generates those from the computer?

1 A. Anita Smith.

2 Q. Now, there was this period of time from September of
3 '02 to January of '03 when you were in an interim capacity.

4 A. Yes.

5 Q. Who was responsible for sending out notices of board
6 of directors' meetings?

7 A. If I had my timing right, I would say Stacey
8 Reynolds.

9 Q. And if you don't have your timing right, who would
10 have been responsible?

11 A. For the period of time that I was interim director,
12 we went off of the dates according to what was already
13 established.

14 Q. Now, assuming it was Ms. Reynolds, would
15 Ms. Reynolds have acted at your direction to send out notice
16 of board of directors' meetings?

17 A. Yes.

18 Q. Would Ms. Reynolds have been responsible for making
19 sure that board of directors' meetings were recorded?

20 A. With that -- I'll clarify with Ms. Reynolds.
21 Ms. Reynolds was working closely with Ms. Smith to ensure
22 that the minutes -- I mean, the notices were being sent out.
23 And in the capacity of making sure that the minutes were
24 recorded, we went to basically confirm that the tape recorder
25 was on, and the tape recorder would record the minutes. And

1 I would have Ms. Smith then dictate from the minutes -- or
2 not dictate. Type out the minutes from the dictation off of
3 the recorder.

4 Q. Now, prior to you assuming the position that you've
5 just identified as the interim executive director position --
6 prior to you assuming that, who held a similar-type position?

7 A. The -- I guess, and when I say "I guess," it's
8 because if you're referring to Ms. Kia Terry, I believe she
9 would have held the position of typing up the minutes. I'm
10 not sure because I've never really walked through and did it
11 and worked with her and talked to her at that point in time.

12 Q. Let me go back. Mr. Sherrod was last at the Booker
13 T. Washington Center as executive director in August of '02.
14 Who assumed responsibility for his duties after he was no
15 longer there?

16 A. In August of '02, when Mr. Sherrod left, basically
17 at that time we had the board, which I was a part of, which
18 was the management committee, which we were supposed to stay
19 in contact with the staff to make sure the day-to-day
20 functions were going on.

21 Q. So the management committee was responsible for the
22 day-to-day operation of the Booker T. Washington Center in
23 conjunction with staff?

24 A. To make sure the day-to-day operations were going,
25 yes.

1 Q. Anyone, specifically, you've just -- anyone,
2 specifically, at that time was responsible on the management
3 committee to have contact with staff?

4 A. There was -- it was never a defined, you know --

5 Q. Now, let me take you to back to the composition of
6 the management committee during August of '02. Who was on
7 the committee in August of '02?

8 A. As I said, as I recall, and again, the definition of
9 the committee was very vague, but Claudette McAdory, Joe
10 Fries, myself, Charles Faulkerson, Sean Coleman.

11 Q. So in August of '02, the members of that committee
12 was Ms. McAdory, Mr. Fries, and are you identifying
13 Mr. Coleman and Mr. Faulkerson as members by virtue of the
14 fact that they were officers of the board of directors?

15 A. I've identified -- well, Mr. Faulkerson, I don't
16 believe was an officer at that time. He was a board member
17 who wanted and had to take part in the committee, but I don't
18 think he was an officer.

19 Q. You said he was a board member who what?

20 A. Wanted to take part in the committee.

21 Q. When did Mr. Faulkerson express a desire to take
22 part in the management committee?

23 A. I'm not sure. He's always been a part -- been
24 wanting to take part in it. I'm not sure exactly when.

25 Q. When you became on the board of directors in January

1 of '02 -- did Mr. Faulkerson express an interest in being a
2 member of the management committee in January of '02?

3 A. Always wanted to be a part of it.

4 Q. Is that reflected in board minutes?

5 A. I'm not sure.

6 Q. Did he express an interest in February of '02 about
7 wanting to be a member of the committee?

8 A. I'm not sure.

9 Q. Did he express an interest in March of '02 about
10 wanting to be a member of the management committee?

11 A. As I stated, Mr. Faulkerson was a person who
12 expressed an interest in anything and everything, and he
13 probably would have been be able to say that he had an
14 interest -- I can't tell you exactly when, what months, what
15 time frames, but I do know he's expressed an interest to be a
16 part of anything that goes on at the Center.

17 Q. Now, these interests, were they expressed in board
18 of directors' meetings?

19 A. He would always give his recommendation and what his
20 opinion was, yes.

21 Q. Well, that's different now than expressing an
22 interest on being a member of the management committee. Did
23 he, in board of directors' meetings, express an interest in
24 being appointed to the management committee?

25 A. I'm not sure. All I know is that the committees

1 were not closed. So therefore, whenever he wanted to express
2 an interest -- any board member could show up to a committee
3 meeting because the committees were not closed.

4 Q. Now, does the bylaws provide that any board member
5 showing up at management committee meetings had the right to
6 vote in management decision -- in the management committee
7 decisions?

8 A. Well, I don't know if when you say any board member
9 has the right to vote --

10 Q. Well, I'm -- you have a management committee --

11 A. Yes.

12 Q. -- that meets.

13 A. Yes.

14 Q. And you say anyone can come. My question to you is,
15 does the bylaws indicate who has the right to vote?

16 A. I don't know if the bylaws indicate that the
17 committees have to vote. I don't know if the bylaws say
18 anything about voting in committees.

19 Q. Now, in August of '02, the management committee
20 dealt with several personnel matters surrounding the
21 termination of Mr. Sherrod and three other staff members;
22 isn't that correct?

23 A. No, that's not correct.

24 Q. Then, did the management committee meet at all to
25 discuss personnel issues in August of '02?

1 A. Yes.

2 Q. Now, management committee vote on matters involving
3 personnel issues in August of '02?

4 A. No.

5 Q. In August of '02, when the management committee met,
6 were these meetings tape-recorded?

7 A. I'm not sure if all the meetings were tape-recorded.

8 Q. So some of the meetings of the management committee
9 were tape-recorded?

10 A. I'm not sure if they were management committee
11 meetings or board meetings.

12 Q. Where can you look to determine whether or not these
13 meetings were management committee meetings or board of
14 directors' meetings so you can become more definitive in your
15 answer?

16 A. I'm not sure, honestly. I can try, again, if -- I
17 couldn't define whether it was the management committee
18 meeting or the board meeting. I do know that there were
19 several meetings, and I do know that during the board
20 meetings the meetings are taped.

21 Q. Well, let's go to the management committee meetings,
22 and I want to deal with those again. Are the meetings of the
23 management committee recorded?

24 A. Were the meetings of the management committee
25 recorded, I'm not sure.

1 Q. As chairman of the management committee, did you
2 provide notice of any meetings that occurred in August of
3 '02?

4 A. Personal phone calls, yes.

5 Q. How many meetings did the management committee have
6 in August of '02?

7 A. I'm not sure.

8 Q. More than one?

9 MR. MARTINUCCI: Objection. Asked and answered.

10 Q. Please answer it again.

11 A. I'm not sure.

12 Q. The only method of notice was by phone call?

13 A. For the management committee meetings?

14 Q. Yes.

15 A. I believe, yes.

16 Q. What led you to provide notice solely by phone call?

17 A. Timing.

18 Q. Did you review the bylaws to make sure that you were
19 acting in accordance with the bylaws?

20 A. I'm not sure.

21 Q. You were dealing with an important matter; weren't
22 you?

23 A. Can you ask the question again the same way.

24 Q. You were dealing with an important --

25 A. No. The question before that.

1 Q. Did you review the bylaws -- let me do this here, I
2 think it would be better, how about just read it for us.

3 (Record read back.)

4 Q. Understand the question now?

5 A. No. I need you to ask it again.

6 Q. Going to August of '02, you said you gave notice to
7 the members of the management committee of meetings. My
8 question to you is, did you review the bylaws to make sure
9 you were acting consistent with the bylaws in providing
10 notice to the members of that committee?

11 A. That's the part that I was looking for. I did not,
12 in a sense, look at bylaws in notifying anybody in regards to
13 the meetings. And the reason being is that it was a short
14 notice, we needed to meet, and we needed to have a
15 discussion, therefore, I did what I would do personally. I
16 did not go through and look at bylaws and say, how do you
17 call on a meeting, how do you notify people of meetings.

18 Q. Do you understand the importance that bylaws play in
19 the governing of an organization?

20 A. I understand the importance of what bylaws play, but
21 again, when you look at any committee or any organization,
22 whenever you are in a time constraint, you basically have, in
23 my opinion, the authority to say, hey, we need to meet. And
24 therefore, you may not have the same kind of steps you take
25 to meet, and I don't think -- and I'm not sure and clear on

1 it, but I don't think that the bylaws are that detailed to
2 spell out if there is a meeting you have to conduct it in
3 this fashion.

4 Q. Mr. Jeffress, in August of 2002, the Booker T.
5 Washington Center let its executive director go. Would you
6 say that was an important decision?

7 A. I'd say that's an incorrect statement.

8 Q. Well, how would you describe it then?

9 A. In August of 2002 --

10 Q. 2002.

11 A. -- Mr. Sherrod was in a meeting with the board, and
12 Mr. Sherrod resigned from his position during a board
13 meeting. That's how I would describe it in August of 2002.

14 Q. Let me go on. In August of 2002, the board of --
15 the Booker T. Washington Center was without an executive
16 director; isn't that correct?

17 A. If it's correct that Mr. Sherrod resigned, yes.

18 Q. Answer my question.

19 A. I'm not sure.

20 MR. MARTINUCCI: He did.

21 Q. Listen to the question, please answer it.

22 A. Okay.

23 Q. Would you say it's important for any organization to
24 have people in leadership positions?

25 A. You said listen to your question. That's not the

1 same question.

2 Q. I'm going to rephrase it. I'll bring you back,
3 don't worry about it.

4 A. I just want to make sure we're on the same page.

5 Q. Don't worry about it. I'll bring you back. Isn't
6 it important for an organization to have a leader?

7 A. Leadership is important, yes.

8 Q. Right. And in August of 2002, whether you want to
9 view Mr. Sherrod as resigning or being fired, the point of it
10 is that the executive director's position was vacant; isn't
11 that correct?

12 A. I don't think that's a yes or no question.

13 Q. It calls for a yes or no answer.

14 A. Then I'd have to say, no, that's not correct. Your
15 statement's not correct.

16 Q. Now, isn't it important -- excuse me, in August of
17 2002, isn't it correct that the board demanded that
18 Mr. Sherrod resign or be fired?

19 A. No.

20 Q. In a meeting that occurred with the board of
21 directors on August 12th or 13th, 2002, isn't it correct that
22 the board of directors demanded that Mr. Sherrod resign or be
23 fired?

24 A. That's not correct.

25 Q. Was that meeting recorded?

1 A. I'm not sure.

2 Q. Were you present at that meeting?

3 A. Yes, I was. If we're talking about the same
4 meeting. The last meeting that Mr. Sherrod sat in with the
5 full board.

6 Q. Was that meeting on August the 12th or 13th of 2002?

7 A. I'm not sure.

8 Q. Where can you find documentation that would help you
9 determine what the date of that meeting was?

10 A. I'm not sure.

11 Q. You're not sure of the date. You're not sure if the
12 meeting was recorded. Did a meeting of the board of
13 directors occur in August of 2002?

14 A. Yes. That Mr. Sherrod was present.

15 Q. Now, at that time didn't the board of directors
16 demand that Mr. Sherrod resign or be fired?

17 A. No.

18 Q. Who was present at that meeting?

19 A. I know Cathy Lyons, Mike Butler, Debbie Smith, Paul
20 Gambel, Sean Coleman. Those are the ones that I'm sure.

21 Q. How was notice given of this meeting?

22 A. I'm not sure. I believe it was made by phone.

23 Q. Who made the phone calls?

24 A. I'm not sure.

25 Q. What was the total composition of the board at the

1 time?

2 A. I'm not sure.

3 Q. If this meeting was recorded, who would have
4 possession of that tape?

5 A. Anita Smith possibly.

6 Q. If not Ms. Smith, who else would have possession?

7 A. I'm not sure.

8 Q. Was there more than one meeting of the board of
9 directors in August of 2002?

10 A. I'm not sure.

11 Q. Where can you find data that would help you be sure?

12 A. I'm not sure.

13 Q. Would you have your personal notes?

14 A. It's possible, yes.

15 Q. Now, earlier you have testified that you would take
16 notes at the management meeting using your -- iPod, did you
17 say?

18 A. IPAQ, yes.

19 Q. IPAQ. Would you do the same thing at board of
20 directors' meetings?

21 A. Sometimes I -- I'm not sure, really. It depends
22 on -- it wasn't the same meeting contacts in my opinion,
23 so --

24 Q. I'm sorry?

25 A. It wasn't the same kind of meeting. In the board

1 meetings, I wasn't being responsible for making sure where we
2 were going. In the management committee meetings, when I did
3 take my notes on my iPAQ, it was because I felt that I needed
4 to keep track of what was going on.

5 Q. Is it possible that you, nevertheless, at board of
6 directors' meetings took notes on your iPAQ?

7 A. It's always possible, yes.

8 Q. So you may have notes of meetings of the Booker T.
9 Washington Board of Directors' meetings on that?

10 A. Not on it now. I said, I may have hard copies of
11 some of the stuff because, again, change, what do you call
12 it, computers.

13 Q. Now, in August of 2002, who was the president of
14 Booker T. Washington Center Board?

15 A. In August of 2002, I believe it was James Hamilton.

16 Q. Who's vice chairman of the board of directors?

17 A. I believe that was Sean Coleman.

18 Q. Who was secretary?

19 A. I believe it was Debbie Smith.

20 Q. And who was treasurer?

21 A. I believe it was Rege O'Neill.

22 Q. Did those individuals make up the executive
23 committee of the board of directors?

24 A. They -- they were a part of the executive committee,
25 correct.

1 Q. And who else were a part?

2 A. Committee chairs.

3 Q. How many committees did the board of directors have?

4 A. I'm not sure, but I believe it was at least three to
5 four.

6 Q. Would you please name them.

7 A. Management committee, public relations committee --
8 management, public relations, program committee, and I -- I
9 think that was it. It could -- there's a possibility there
10 could be more, but those are the only three that I can
11 recall.

12 Q. Let's go back to August of 2002. What led to
13 Mr. Sherrod no longer being at the Booker T. Washington
14 Center?

15 A. Mr. Sherrod said during the meeting, if you guys
16 want my resignation, you can have it.

17 Q. Now, how did this meeting come about?

18 A. This meeting came about through a phone call, and I
19 attended the meeting. During this meeting -- during this
20 meeting the conversation went, what's going on. What's
21 happening. It doesn't seem like we're moving forward. And
22 it was -- it was an information gathering meeting, I thought.

23 Q. You thought the meeting was an information gathering
24 meeting?

25 A. Right.